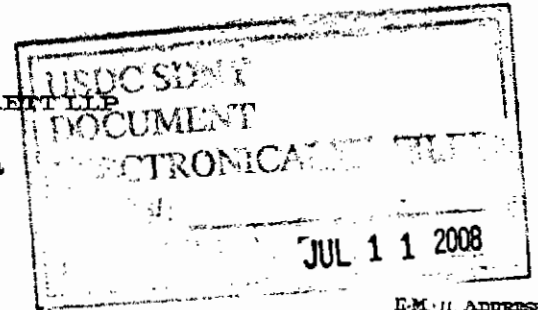


SIMPSON THACHER & BARTLETT LLP
425 LEXINGTON AVENUE
New York, N.Y. 10017-3954
(212) 455-2000

FACSIMILE: (212) 455-2502



E-M-IL ADDRESS

trice@stb.com

DIRECT DIAL NUMBER

212-455-3040

BY FACSIMILE

July 10, 2008

Re: DK Acquisition Partners, L.P., et al. v. JPMorgan Chase & Co., et al., No. 08 Civ. 0446; Avenue Capital Management II L.P. v. J.P. Morgan Chase & Co., et al., No. 08 Civ. 0447

Honorable Laura T. Swain
United States District Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl St., Room 755
New York, New York 10007

MEMO ENDORSED

Dear Judge Swain:

On behalf of the Defendants in the above-captioned cases, we respectfully request that Defendants be permitted to file under seal certain of the exhibits cited in Defendants' Motion for Summary Judgment (Item 3.6 on the parties' Pre-conference Statement dated April 26, 2008), which will be filed and served tomorrow, Friday, July 11, 2008.

Defendants request permission to file these exhibits under seal (as well as any references in Defendants' Memorandum of Law to the confidential information in those exhibits) because they have been designated by Plaintiffs as Confidential. We have conferred with counsel for Plaintiffs, and they have consented to this request. A similar request to file confidential documents under seal was granted by Your Honor on May 1, 2008 in response to a request by Plaintiffs, with respect to their opposition to an earlier motion by Defendants for summary judgment.

The request is granted.

SO ORDERED.

Respectfully,

Thomas C. Rice

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

LOS ANGELES

PALO ALTO

WASHINGTON, D.C.

BEIJING

HONG KONG

LONDON

TOKYO